

HOUSE BILL 849

J1, O2

0lr2639

By: ~~Delegate Hubbard~~ Delegates Hubbard, Kipke, Benson, Krebs, Kullen, McDonough, Montgomery, Nathan-Pulliam, Pena-Melnyk, Pendergrass, and V. Turner

Introduced and read first time: February 10, 2010

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 18, 2010

CHAPTER _____

1 AN ACT concerning

2 **Department of Health and Mental Hygiene – Home- and Community-Based**
3 **Services Waiver – Denial of Access Prohibited**

4 FOR the purpose of prohibiting the Department of Health and Mental Hygiene from
5 denying an individual access to a home- and community-based services waiver
6 due to lack of funding if, in addition to existing criteria, ~~the individual is eligible~~
7 ~~for a certain number of days of nursing facility services~~ a certain number of
8 days of the individual's nursing facility stay are eligible to be paid for by the
9 Maryland Medical Assistance Program; making a technical correction; and
10 generally relating to the Department of Health and Mental Hygiene and the
11 home- and community-based services waiver.

12 BY repealing and reenacting, with amendments,
13 Article – Health – General
14 Section 15-137
15 Annotated Code of Maryland
16 (2009 Replacement Volume)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article – Health – General**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 15-137.

2 (a) The Department may not deny an individual access to a home- and
3 community-based services waiver due to a lack of funding for waiver services if:

4 (1) The individual is living in a nursing [home] FACILITY at the time
5 of the application for waiver services;

6 ~~(2) The [nursing home services for the] individual [were paid] IS~~
7 ~~ELIGIBLE FOR 30 DAYS OF NURSING FACILITY SERVICES PAID FOR~~ by the
8 ~~Program [for at least 30 consecutive days immediately prior to the application];~~

9 **(2) AT LEAST 30 CONSECUTIVE DAYS OF THE INDIVIDUAL'S**
10 **NURSING FACILITY STAY ARE ELIGIBLE TO BE PAID FOR BY THE PROGRAM;**

11 (3) The individual meets all of the eligibility criteria for participation
12 in the home- and community-based services waiver; and

13 (4) The home- and community-based services provided to the
14 individual would qualify for federal matching funds.

15 (b) Nothing in this section is intended to result in a reduction of federal
16 funds available to the Department.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2010.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.